

Roman Otkupman, CSBN 249423
Roman@OLFLA.com

Nidah Farishta, CSBN 312360
Nidah@OLFLA.com

OTKUPMAN LAW FIRM, A LAW CORPORATION
5743 Corsa Ave, Suite 123
Westlake Village, CA 91362
Telephone: (818) 293-5623
Facsimile (888) 850-1310

Attorneys for Plaintiff,
BRENDA GANTHER, on behalf of herself and all others similarly situated, and on behalf of the
general public

Tyler M. Paetkau (SBN 146305)
Olga Savage (SBN 252009)
HUSCH BLACKWELL LLP
1999 Harrison St., Suite 700
Oakland, CA 94612
Telephone: 510.768.0650
Facsimile: 510.768.0651
Tyler.Paetkau@huschblackwell.com
Olga.Savage@huschblackwell.com

Attorneys for Defendant
TRANSDEV SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRENDA GANTHER, on behalf of herself
and all other similarly situated employees, and
on behalf of the general public;

Plaintiff,

v.

TRANSDEV SERVICES, INC., a Maryland
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 4:22-cv-04230-KAW

**JOINT STIPULATION
CONSOLIDATING CASES AND
MODIFYING CASE MANAGEMENT
ORDER; ORDER THEREON**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

Plaintiff BRENDA GANTHER (“Plaintiff”) and Defendant TRANSDEV SERVICES, INC. (“Defendant”) (jointly referred to as “the Parties”) by and through their respective counsel of record have conferred and hereby stipulate to consolidate cases *Brenda Ganther, et al. v. Transdev Services, Inc., et al.* (the instant case) and *Brenda Ganther, et al. v. Transdev Services, Inc., et al.* (Case No. 4:22-cv-08894-KAW) pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The Parties further stipulate to continue the mediation completion deadline, class certification motion dates, and further case management conference, as set forth below.

JOINT STIPULATION

WHEREAS, presently pending in this Court are two related actions identified below:

1. *Brenda Ganther, et al. v. Transdev Services, Inc., et al.*, United States District Court, Northern District of California, Case No. 4:22-cv-04230-KAW (“Class Action”); and
2. *Brenda Ganther, et al. v. Transdev Services, Inc., et al.*, United States District Court, Northern District of California, Case No. 4:22-cv-08894-KAW (“PAGA Action”);

WHEREAS, both cases involve the same common questions of law and fact;

WHEREAS, Rule 42(a) of the Federal Rules of Civil Procedure permits a court to consolidate actions pending before it if those actions involve a “common question of law or fact” and a Court may consider several factors that would affect the litigation including the burden on parties, witnesses, judicial resources, the risk of inconsistent adjudications, the potential for prejudice, and the risk of delaying trial. *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1285 (2nd Cir. 1990); *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993); *Malcolm v. National Gypsum Co.*, 995 F.2d 346, 350 (2nd Cir. 1993); *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 762 (5th Cir. 1989);

WHEREAS, the Parties now seek to consolidate the above related actions, with the Class Action being the lead case, pursuant to F.R.C.P. 42 because both cases involve common questions of law and fact;

WHEREAS, the instant Class Action and PAGA Action are both pending in the same court (United States District Court, Northern District of California) and involve common questions of law and fact, and thereby satisfy the only requirement for consolidation under Rule 42(a);

WHEREAS, consolidating the Class Action and PAGA Action would clearly serve the interests of justice: increases judicial efficiency, avoids duplicative evidence, procedures, and inconsistent adjudications, precludes waste, and alleviates potential burdens to the court and all parties involved.

WHEREAS, the deadline to complete mediation in the Class Action is currently set for January 29, 2024; the deadline to file a motion for class certification in the Class Action is currently set for March 8, 2024; and the hearing on the motion for class certification in the Class Action is currently set for June 6, 2024 [Dkt. 26].

WHEREAS, the Parties agree that additional time is needed to complete discovery and continue to confer regarding mediation. The Parties are actively engaged in discovery, including written discovery, depositions (which the Parties are scheduling for February and March 2024) and the *Belaire West* notice process, which the Parties anticipate will be completed on or before March 15, 2024. The Parties are also conferring regarding a production of a representative sampling of putative class member time and payroll records.

STIPULATION

IT IS HEREBY STIPULATED, by and between the Parties hereto through their respective attorneys of record:

1. The Class Action and PAGA Action will be consolidated with the Class Action being the lead case;

2. The Scheduling Order in the Class Action shall be modified as follows and shall govern the consolidated case as follows:

DEADLINE/HEARING	CURRENT DATE	REQUESTED DATE
Mediation Completion	01/29/2024	07/29/2024

Deadline		
Class Certification: Motion Due	03/08/2024	09/13/2024
Class Certification: Opposition Due	04/05/2024	10/11/2024
Class Certification: Reply Due	05/03/2024	11/8/2024
Class Certification: Hearing	06/06/2024	12/5/2024
Further Case Management Conference	07/16/2024	01/14/2025

IT IS SO STIPULATED.

Dated: January 30, 2024

Respectfully submitted,

OTKUPMAN LAW FIRM, A LAW CORPORATION

By: /s/ Roman Otkupman

Roman Otkupman
Nidah Farishta
Attorney for Plaintiff
BRENDA GANTHER

Dated: January 30, 2024

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Olga Savage

Tyler M. Paetkau
Olga Savage
Attorneys for Defendant
TRANSDEV SERVICES, INC.

ORDER

Based upon the stipulation of the Parties, the Court **ORDERS**:

1. *Brenda Ganther, et al. v. Transdev Services, Inc., et al.*, United States District Court, Northern District of California, Case No. 4:22-cv-04230-KAW (“Class Action”) and *Brenda Ganther, et al. v. Transdev Services, Inc., et al.*, United States District Court, Northern District of California, Case No.4:22-cv-08894-KAW (“PAGA Action”) are **CONSOLIDATED FOR ALL PURPOSES**. The new case number for all filings is 4:22-cv-04230-KAW;

2. The Parties shall comply with the Scheduling Order issued in the Class Action, and which is modified as follows:

a. The deadline to complete mediation is **July 29, 2024**;

b. The deadline to file a motion for class certification is **September 13, 2024**;

c. The deadline to file an opposition to the motion for class certification is **October 11, 2024**;

d. The deadline to file a reply to the opposition to the motion for class certification is **November 8, 2024**;

e. The motion for class certification will be heard on **December 5, 2024** at 1:30 P.M.

f. A further case management conference is set for **January 14, 2025** at 1:30 P.M.

g. All dates set in *Brenda Ganther, et al. v. Transdev Services, Inc., et al.*, United States District Court, Northern District of California, Case No.4:22-cv-08894-KAW are hereby **VACATED**.

IT IS SO ORDERED.

Dated: February 20, 2024


UNITED STATES MAGISTRATE JUDGE